

REMARKS

In view of the Examiner interview, the claim amendments and the remarks, withdrawal of the objections and rejections, and allowance of the application is respectfully requested.

OFFICE ACTION

The Abstract is objected to as indicated.

The specification, excluding the claims, is objected to and a substitute specification has been required, as indicated.

Claims 1-15 are pending in the application.

Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuasa et al. (JP 11 (1999)-95694A).

Based upon the Examiner interview, it is understood the 37 CFR 1.105 Requirements for Information in page 7, line 4 is misplaced, since the Office Action on page 7, line 1, acknowledges the Applicant's compliant response to the 35 USC 105 Request in the previous amendment.

According to the foregoing, the specification and the claims are amended, for example, in view of the Examiner interview to traverse the Office Action objections and rejections. No new matter has been added in this response. Reconsideration of the claims is respectfully requested.

IN THE DRAWINGS

One Drawing Replacement Sheet for FIG. 7 is submitted herein to correct a typographical error, namely changing the phrase "closet advertisement tenant" to "~~closet~~closest advertisement tenant." For example, page 13, lines 27-32 and page 14, lines 11-25 support the drawing change. Entry and approval of the Drawing Replacement Sheet is respectfully

requested.

OBJECTION TO ABSTRACT OF DISCLOSURE

The objected to Abstract is amended taking into consideration the Examiner's comment. Withdrawal of the objection is respectfully requested.

SPECIFICATION OBJECTION AND 35 USC 112, FIRST & SECOND PARAGRAPH, REJECTIONS

In view of the Examiner interview, the Examiners informally suggested the specification objections and the 35 USC 112, 1st and 2nd paragraph rejections should be withdrawn, for example, if term "advertisement tenant" is clarified/confirmed based upon the specification. The Examiners suggested filing an RCE along with amendments taking into consideration the Examiner's comments and the interview, and arguments along the lines of the interview and the previous Amendment.

Therefore, claim 1 is amended taking into consideration the Examiners comments as follows:

1. (CURRENTLY AMENDED) A digital contents advertisement display computer system using an auction, comprising:
 - a contents distribution unit;
 - a computer processor; and
 - a computer readable medium storing at least one computer program controlling the computer processor to ~~control the digital contents advertisement display computer system according to a process~~perform operations comprising:
 - disclosing an outline of digital displayable contents to be distributed through a digital medium to audiences;
 - allowing the audiences, as sponsors, to bid for becoming an advertisement tenant to be displayed contained in the disclosed digital displayable contents when displaying the digital displayable contents;
 - determining a winning sponsor for the advertisement tenant from among the bidding sponsors, according to a highest price bid by a sponsor; and
 - updating the digital displayable contents to contain the advertisement tenant, according to requests from the winning sponsor, to complete the digital displayable contents ~~for distribution, wherein~~and distributing the completed digital

~~displayable contents as distributed function as an advertising medium via the contents distribution unit.~~

Claim 1 is directed to a system providing advertisement tenant auctioning.

The phrase “advertising medium” is rejected under 35 USC 112, first paragraph, for not being enabled. However, for example, page 6, lines 25-30, discuss disclosing methods as an “advertising medium.” Further, the phrase “advertising medium” is deleted, making the rejection moot.

Another structural element, namely, “a contents distribution unit” 5 is added to the claims, taking into consideration the Examiner’s comments during the interview.

Regarding the specification objection and 35 USC 112, 2nd paragraph, rejections, the term “advertisement tenant” is definite based upon the specification as follows: The Office Action provides “Applicant repeatedly refers to language not known or used in the art of Advertising.” As discussed in the Examiner interview, the term “advertisement tenant” is expressly defined in the specification page 7, line 2-4, page 7 lines 10-16, FIG. 2, page 9, lines 4-14, and page 10, line 12, and “advertisement tenant” effectively refers to a digital content that occupies a space in another digital content. In particular, the claims as amended provide “allowing the audiences, as sponsors, to bid for becoming an advertisement tenant to be displayed contained in the disclosed digital displayable contents when displaying the digital displayable contents” For example, the specification page 10, lines 12-16 provides:

As a method for disclosing how an exposure frequency of each advertisement tenant is changed by a change in a scenario, for example, the following is considered: how an exposure frequency of each advertisement tenant is changed is stored as auxiliary information of the advertisement tenant; when the advertisement tenant displayed on a screen is clicked on with a mouse or the like, a price input screen is displayed, together with a disclosure of information on an exposure frequency and the like of the advertisement tenant in the entire contents. It should be understood that the disclosing method is not limited thereto.

For example, dependent claims 3 and 4 provide “in a case where an advertisement tenant is not determined in the determining of the winning sponsor in the sponsor determining part, the contents distributing part distributes the digital displayable contents by is distributed using the a default advertisement tenant in the digital displayable contents provided by default.” Thus, the term “advertisement tenant” is definite based upon the specification and withdrawal of the specification objection and claim indefiniteness rejection is respectfully requested.

The claim preambles are changed to "using an auction," taking into consideration the Examiner comments.

The claim term "winner sponsor" was changed to "winning sponsor" in the previous Amendment.

According to the foregoing, the specification is amended, taking into consideration the Examiner's comments.

35 USC 102(B) REJECTION

Claims 1-15 are rejected as being anticipated under 35 USC 102(b) by Yuasa (JP 11-095694). Yuasa discusses, "To grasp the degree of the propagation of the advertisement objectives of an advertiser and the degree of the interest in the advertisement of users by detecting the inputs from users and outputting the display contents so as to simultaneously display the detailed information of a main service and the detailed advertisement information in accordance with the detection results" (Abstract and pages 1-2 of the English translation).

However, Yuasa relates to providing detailed advertisement information and detecting degree of interest of users, but fails to disclose expressly or inherently the claimed "allowing the audiences, as sponsors, to bid for becoming an advertisement tenant to be displayed contained in the disclosed digital displayable contents when displaying the digital contents." In other words, Yuasa does not discuss expressly or inherently any auctioning process for becoming an advertisement tenant to be displayed in a digital displayable content. Accordingly, Yuasa cannot anticipate the claimed embodiments of the present invention.

DEPENDENT CLAIMS

In contrast to Yuasa, dependent claim 3 provides "in a case where an advertisement tenant is not determined in the determining of the winning sponsor ~~in the sponsor determining part, the contents distributing part distributes the~~ digital displayable contents ~~by~~ is distributed using ~~the~~ a default advertisement tenant in the digital displayable contents ~~provided by default~~." Yuasa is silent on any auctioning of an advertisement tenant or providing a default advertisement tenant in case there is no winning sponsor for becoming an advertisement tenant.

In contrast to Yuasa, dependent claim 5 provides "controlling behavior of a character displayed on a screen in accordance with a bidding price by a sponsor, wherein the character behaves so that the audience pays more attention to the advertisement tenant for which the bidding price is higher." A benefit is provided, namely behavior of a character displayed in the

digital contents is changed depending on a bidding price for the advertisement tenant, so the advertisement tenant can receive more attention based upon the behavior of the character.

In contrast to Yuasa, dependent claim 9 provides "changing a display of the advertisement tenant so that a degree of attention to the advertisement tenant in the contents is changed in accordance with a bidding price."

NEW CLAIMS

New claim 16 is a method claim substantially requiring patentably distinguishing features of independent claims 1 and 15 and are patentably distinguishing for the same rationale. Further, new dependent claim 17 is allowable by reciting "statistically analyzing behavior of the displayable character and an access frequency to the advertisement tenant when displaying the digital contents, the statistical analyzing based upon one or more, of when the digital displayable content is bidirectional, an access time with respect to the character in the bidirectional digital displayable contents, or positional closeness of the displayable character to the advertisement tenant in the digital displayable contents." For example, the specification page 13, lines 17-32 and page 14, lines 11-25 support new claim 17.

In view of the Examiner interview, the claim amendments and the remarks, withdrawal of the objections and rejections, and allowance of the application is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

Date: April 24, 2008 By: _____

Mehdi D. Sheikerz
Registration No. 41,307

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501